

AMENDED IN SENATE APRIL 26, 2011

SENATE BILL

No. 204

Introduced by Senator Liu

February 8, 2011

An act to amend Sections 33000, 33030, 33031, 33032, 33111, 33112, and 33301 of, and to repeal Sections 33034, 33302, and 33303 of, the Education Code, relating to education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 204, as amended, Liu. Education governance.

(1) Existing law establishes the State Board of Education to adopt policies, and to establish rules and regulations, not inconsistent with the laws of the state, to govern the public elementary and secondary schools of the state. Existing law provides that the state board consists of 10 members, who are appointed by the Governor to 4-year terms with the advice and consent of $\frac{2}{3}$ of the Senate. Existing law also provides for the appointment by the Governor, with the advice and consent of $\frac{2}{3}$ of the Senate, of a student member to a single one-year term commencing on August 1. Existing law authorizes the state board to issue subpoenas to compel the attendance of witnesses before the board, or before any member of the board, in the same manner as any court in the state.

This bill would require that the 10 nonstudent appointees to the state board represent, and reside in, different geographical areas of the state, reflect the ethnic and gender diversity of the state's population, and represent the various disciplines active in the public education system.

The bill would eliminate the authority of the state board to establish statewide educational policy and issue rules and regulations for the governance of public elementary and secondary schools. The bill would

instead provide that the state board would advise the Governor, *Legislature, and Superintendent of Public Instruction on education policy matters pertaining to elementary and secondary education, and would make annual recommendations to the Legislature regarding ways to improve the quality of public education throughout the state. The bill would specify that the state board would carry out only the duties and functions expressly granted to it by the statutes and constitution of the state.*

The bill would eliminate the authority of the state board to issue subpoenas to compel the attendance of witnesses.

(2) Existing law requires the Superintendent of Public Instruction, among other things, to execute, under the direction of the State Board of Education, the policies decided upon by the state board. Existing law provides that the Superintendent of Public Instruction is the ex officio Director of Education.

This bill would eliminate the requirement that the Superintendent of Public Instruction execute policies of the State Board of Education. The bill would instead define the function of the Superintendent as ensuring the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive. *The bill would provide that the Superintendent would set policy for, supervise, and administer the State Department of Education.*

The bill would provide that the Director of Education would be appointed by, and serve at the pleasure of, the Superintendent. The bill would further provide that the Director of Education would perform all executive and administrative functions of the State Department of Education delegated to him or her by the Superintendent.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) President Obama has called on states to move forward
- 4 aggressively on education reform. The approval by Congress of
- 5 the Race to the Top competitive grant funds echoes this call, and
- 6 funds will go to states that are leading the way with ambitious yet
- 7 achievable plans for implementing coherent, compelling, and
- 8 comprehensive education reform.

1 (b) The United States House of Representatives has passed
2 legislation that contains an Early Learning Challenge Fund, which
3 is an \$8 billion, eight-year investment in early learning programs.

4 (c) Several studies, including a 2007 report by the
5 Superintendent of Public Instruction, have highlighted California's
6 persistent achievement gap among different demographic groups
7 of pupils.

8 (d) California has a high school completion rate of 75 percent.
9 About 60 percent of California high school graduates enter
10 community college or a four-year college.

11 (e) Recent studies have criticized California's governance
12 system for lacking transparency and being overly complex,
13 inefficient, and ineffective.

14 (f) In order for California to produce an educated population,
15 make headway in closing the student achievement gap, and be
16 competitive in seeking federal Race to the Top program and other
17 federal education programs and improvement funds, the state must
18 have an effective, functional, and streamlined governance system
19 in place.

20 SEC. 2. Section 33000 of the Education Code is amended to
21 read:

22 33000. (a) There is in the state government a State Board of
23 Education, consisting of 10 members, who are appointed by the
24 Governor with the advice and consent of two-thirds of the Senate.

25 (b) Appointees to the state board shall do all of the following:

26 (1) Represent and reside in different geographical regions of
27 the state.

28 (2) Reflect the ethnic and gender diversity of the state's
29 population.

30 (3) Represent the array of disciplines active in the public
31 education system, including, but not necessarily limited to,
32 teachers, principals, school district administrators and financial
33 officers, charter school administrators, county offices of education,
34 school district governing boards, classified employees, and parents.

35 SEC. 3. Section 33030 of the Education Code is amended to
36 read:

37 33030. The board shall advise the ~~Governor on education~~
38 ~~policy~~; *Governor, Legislature, and Superintendent on policy*
39 *matters pertaining to elementary and secondary education, and*
40 *shall make annual recommendations to the Legislature regarding*

1 *ways to improve the quality of public education throughout the*
2 *state. The state board shall carry out duties and functions expressly*
3 *granted to it by the statutes and constitution of this state. No further*
4 *duties or functions shall be implied.*

5 SEC. 4. Section 33031 of the Education Code is amended to
6 read:

7 33031. (a) The state board shall adopt rules and regulations
8 not inconsistent with the laws of this state for its own procedures.

9 (b) The rules and regulations adopted by the state board under
10 this section shall be published for distribution as soon as practicable
11 after adoption.

12 SEC. 5. Section 33032 of the Education Code is amended to
13 read:

14 33032. The state board shall study the educational conditions
15 and needs of the state, and make recommendations for the
16 improvement of the administration and efficiency of the public
17 schools of the state. The state board shall report the results of its
18 study, and any recommendations that it makes under this section,
19 to the Governor in the report required by Section 33037.

20 SEC. 6. Section 33034 of the Education Code is repealed.

21 SEC. 7. Section 33111 of the Education Code is amended to
22 read:

23 33111. The Superintendent of Public Instruction shall ensure
24 the delivery of high-quality education to the pupils of the state
25 who attend preschool, kindergarten, and grades 1 to 12, inclusive.
26 The responsibilities of the Superintendent shall include, but not
27 necessarily be limited to, all of the following:

28 (a) Establishing educational expectations for pupils.

29 (b) Apportioning resources to schools.

30 (c) Managing statewide educational and financial accountability
31 programs.

32 (d) Overseeing school district fiscal audit reviews.

33 (e) Serving as the independent spokesperson for California's
34 populace and pupils.

35 (f) Facilitating educational accountability by administering and
36 promoting the effective use of data to measure and improve pupil
37 learning. Educational accountability shall include, but not
38 necessarily be limited to, all of the following:

1 (1) Measuring pupil and institutional performance to ensure
2 adequate and equitable education and compliance with special
3 education and civil rights law.

4 (2) Monitoring the implementation of state and federal programs.

5 (3) Identifying schools that fail to meet pupil achievement
6 targets.

7 (4) Defining and implementing intervention strategies for
8 schools that fail to meet pupil achievement targets.

9 *SEC. 8. Section 33112 of the Education Code is amended to*
10 *read:*

11 33112. The Superintendent of ~~Public Instruction~~ shall:

12 (a) Superintend the schools of this state.

13 (b) *Set policy for, supervise, and administer the department.*

14 ~~(b)~~

15 (c) Prepare, have printed, and furnish to teachers and to all
16 officers charged with the administration of the laws relating to the
17 public schools the blank forms and books necessary to the
18 discharge of their duties, including blank teachers' certificates to
19 be used by county and city and county boards of education.

20 ~~(c)~~

21 (d) Authenticate with his or her official seal all drafts or orders
22 drawn by him or her, and all papers and writings issued from his
23 or her office.

24 ~~(d)~~

25 (e) Have bound, at the state bindery, all valuable school reports,
26 journals, and documents in his or her office, or received by him
27 or her.

28 ~~(e)~~

29 (f) Deliver over, at the expiration of his or her term of office,
30 on demand, to his or her successor, all property, books, documents,
31 maps, records, reports, and other papers belonging to his or her
32 office, or which may have been received by him or her for the use
33 of his or her office.

34 ~~(f)~~

35 (g) Designate and appoint, or terminate the designation and
36 appointment of, any officer or employee of the department to have
37 the powers and liabilities of a deputy, including designation
38 pursuant to Section 7.9 of the Government Code, which
39 appointment and termination of appointment shall be effective
40 when filed in writing in the office of the Secretary of State.

1 ~~(g)~~

2 ~~(h)~~ Annually inform the governing boards of school districts,
3 in a manner prescribed by the ~~superintendent~~ *Superintendent*, of
4 the provisions of Section 60510.5.

5 ~~SEC. 8.~~

6 ~~SEC. 9.~~ Section 33301 of the Education Code is amended to
7 read:

8 33301. The Department of Education shall be administered
9 through an executive officer known as the Director of Education,
10 who shall be appointed by, and serve at the pleasure of, the
11 Superintendent of Public Instruction. The Director of Education
12 shall perform all executive and administrative functions of the
13 department delegated to him or her by the Superintendent.

14 ~~SEC. 9.~~

15 ~~SEC. 10.~~ Section 33302 of the Education Code is repealed.

16 ~~SEC. 10.~~

17 ~~SEC. 11.~~ Section 33303 of the Education Code is repealed.